

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
September 3, 2019

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **REPORTS OF STANDING COMMITTEES**

5. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**

6. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

8-20-2019 Council Meeting Minutes

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

- o Senior Citizens
- o Community Service
- o Fire Chief
- o Police Chief
- o Engineer
- o Streets
- o Public Utilities
- o Planning/Zoning
- o Finance Director
- o City Manager
- o Mayor
- o Parks & Recreation Board
- o Law Director

8. **THIRD READINGS**

Ordinance 18-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$25,000 – Brick repair on High Street)

Ordinance 19-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$5,824.00 - 2 solar speed signs on Canal Street)

Ordinance 20-19: An Ordinance Creating Chapter 184 of the Canal Fulton Codified Ordinances Lodging Tax, and Repealing Any Ordinances in Conflict Therewith

Ordinance 21-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$9,584.00 – 4 poles and 8 lights for community park parking lot)

Ordinance 22-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations.

(\$9,000.00 to pay for water tower fencing repairs)

Ordinance 23-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$280,000 to pay for construction at Community Park until first grant reimbursement)

9. **SECOND READINGS**

Ordinance 24-19: An Ordinance Amending the Canal Fulton, Ohio Income Tax Ordinance

Resolution 7-19: A Resolution Granting Approval of The Issuance by the County of Marion, Ohio of Its Revenue Bonds, A Portion of the Proceeds of Which Will be Used to Finance and Refinance Facilities Owned and Operated by United Church Homes, INC. Located Within the City of Canal Fulton, Ohio.

10. **FIRST READINGS**

Resolution 8-19: A Resolution by the City of Canal Fulton, Ohio to Apply for a Grant from the Ohio Public Works Commission for the Clean Ohio Fund – Green Space Conservation Program and Repealing Any Resolution in Conflict Therewith.

Ordinance 25-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$425,000.00 Advance from General Fund to Capital Reserve Fund)

Ordinance 26-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$12,000.00 to Replace Concrete in the Downtown Sidewalks)

Ordinance 27-19: An Ordinance Amending Ordinance 45-18, and Providing for the Changes to Previously Authorized Appropriations. (\$28,000.00 – to Clean and Repair #8 Well Pump)

Ordinance 28-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$8,000.00 – City's Share of the Fire Department FEMA Radio Grant)

11. **P.O.s**

P.O. RG012286 to Ohio Drilling CO INC in the amount of \$27,350.00 for #8 Well Pump Cleaning and Repair

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P.O. RG012287 to ASI Environmental in the amount of \$29,344.00 for 3 Way Valve and Pump Replacement in Lift Station D

P.O. RG012288 to Perry TWP Fire Department in the amount of \$7,260.29 for AFG Grant Match for MARCS 800 MHZ Radio Total Cost of Equipment \$103718.00 Local Match \$7,260.29

P.O. RG012293 to J A Chapanar Excavating INC in the amount of \$373,513.73 for Community Park Project

12. **BILLS**
13. **OLD/NEW/OTHER BUSINESS**
14. **REPORT OF PRESIDENT PRO TEMPORE**
15. **REPORT OF SPECIAL COMMITTEES**
16. **CITIZENS COMMENTS – Open Discussion**
(Five Minute Rule)
17. **ADJOURNMENT**

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CALL TO ORDER

Mayor Schultz called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members present were Mayor Joe Schultz, Dan Bucher, Jr., Sue Mayberry, Bonnie Donaldson, Eric Whittington, Scott Svab

City Staff present were Law Director Scott Fellmeth, City Manager Mark Cozy, Finance Director William Rouse, Police Chief Doug Swartz, Clerk of Council Alyssa Bettis, Fire Chief Ray Durkee and City Engineer Keith Dylewski

Others in attendance were Chell Rossi, Joan Porter, Jeanann VanDenberg and Earl Minks

Absent – Council member Danny Losch

A motion was made to excuse Danny Losch by Dan Bucher, Jr.

Second by Eric Whittington

All council members vote yes. Motion approved.

JAMIE JOHNSON- US CENSUS

Mr. Jamie Johnson from the U.S. Census gives a PowerPoint presentation on registering and be part of the 2020 Census.

Mr. Johnson goes to communities to educate them about the 2020 census. He encourages people to be ambassadors for their city. The goal for the 2020 census is to count every once, only once and in the right place. He wants to make sure that every person in the United States, Puerto Rico and the District of Columbia is counted every ten years. He explains that we do this because it is in our Constitution, for representation in the House of Representatives. In 2010 there was a large form but in 2020 you can file electronically and it is only ten questions. 2020, is the first year you can self-respond online, by phone, or mail.

Apportionment, redistricting, funding and planning are what the Census data is used for. Each 10 years it is decided how many representatives we have in the US Congress. In 2010, we had 16 Representatives based on populations. We lost 2 seats from 2000.

After each Census is taken the count is provided to the President on December 31st 2020. The numbers will then be provided to the State on April 1st, that is when the redistricting will start.

Over 675 billion dollars in Federal funding is provided to our governments every year. Types of funding include, transportation and roads, health service, free and reduced lunches are all provided based on census counting.

Local Governments use Census funding to build schools, put up street lights and provide security. United Way and other Community Organizations use Census Data for planning for the future.

Non response follow up starts in May. People from your community will be going door to door. They will be asking if you received an invitation or if you need help completing the Census.

Mr. Johnson wants to make sure that people in the community of Canal Fulton are ambassadors. He wants familiar faces and trusted voices to be ambassadors. They have hired over 500,000 Census employees nationwide. The pay is from \$12.50- \$30.00 an hour. They have to be at least 18 years old, U.S. Citizen, valid social security number and be able to pass a background check.

Discussing who gets counted. Mr. Johnson says everyone needs to be counted and counted only once. If they were born April 1st they count. They will utilize the resources 10 years from when they were born. There is no do over and you can't go back and count them. The most undercounted population are children under the age of 5, immigrants, non-English speaking, persons with disabilities, senior citizens and veterans, ages 18-24. In 2010, there were over a million children under the age of 5, nationwide, not counted.

Invites will be sent on March 12th. If you don't complete it there will be four notifications to self-respond. After four invites, you will be mailed a paper form. You will still be able to do it online or by phone. People with low internet connectivity will be provided a paper form after the first invite. Mr. Johnson stresses that everyone's

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information is safe. They take a life long oath that they will not provide any information to identify any individual or set of people in the United States. They can get 5 years in prison or be fined \$250,000.00.

He asks that we share this Census information on websites and social media. Form a complete count committee to provide promotion and temporary jobs. Also, provide space at libraries for people to complete the census.

REPORTS OF STANDING COMMITTEES

CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

8-6-2019 Personnel Meeting Minutes

A motion was made to approve the 8-6-2019 Personnel Meeting Minutes by Dan Bucher, Jr.

Second by Sue Mayberry

Mrs. Mayberry has one correction on the first page second paragraph "Tuscola" should be "Pataskala".

Scott Svab abstains. All other council members voted yes. Motion approved.

8-6-2019 Council Meeting Minutes

A motion was made to approve 8-6-2019 Council Meeting Minutes by Sue Mayberry

Second by Dan Bucher, Jr.

Mrs. Donaldson says there is a name correction on page 7, from "Lamus" to "Lavis".

Mrs. Mayberry says page 9, there should be a reason for adjourning into executive session and there should be a statement made. Statement whether a decision was made or not.

Scott Svab abstains. All other council members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens- No report.

Community Service- Mayor Schultz says Mr. Murphy had a really good year and the boys did an outstanding job.

Fire Chief- Chief Ray Durkee says that the Explorers participated in Safety Town and the Ralph Regula Bike Ride. They talked with kids at Safety Town about fire safety, EMS safety and poison safety. Also, with the bike ride was the first time the Explorers bikes were deployed.

The Fire Department evaluating ballistic vests. Chief Durkee explains going into environments that they have to protect themselves from people with firearms is something that they might have to deal with in this current age. They received a partial grant through the Ohio EMS Grant but it will only fund about 2 safety vests and they are looking at an additional four more.

The insurance service offices have contacted them to rate the Fire Department. Surprisingly the Fire Department makes up less than half of the rating. Chief Durkee says, that 40% of the rating comes from our water supply and another 10% comes from dispatch, the rest is evaluating the Fire Department services.

Police Chief- Chief Swartz says they arrested a gentleman for stealing a car and booked him in jail. When he got out of jail, he tried to steal a car in the jail parking lot, the deputies arrested him and booked him and jail. They just released him and he successfully stole a car in the jail parking lot and he is out and

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about right now. He is a local resident. Chief Swartz says they found him the first time, the officer called him and asked him where he was and he told him his location.

Engineer- Mr. Dylewski says there is a P.O. on the Agenda for the Chip & Seal project. The contractor is ready to get started on it.

Mayor Schultz asks if we got the soil test results or if they have been reviewed, for the water tower. Mr. Dylewski says they did come in but he hasn't reviewed all of them yet. PSI did complete. Mr. Dylewski will have everything reviewed by the next Council meeting.

Streets – There was an incident where Gary and Dave were digging in front of Danny Losch's house and they uncovered a gas line main that wasn't marked by OUPS. Before they dig, they call OUPS to come out and mark and they marked the lines into the house but not the gas main where they were digging.

Public Utilities- No Report.

Planning/Zoning- No Report.

Finance Director – Mr. Rouse says that the July Financial statements are in the packets. The income tax year to date are up a little bit compared to last year. Everything else is similar. Ordinance 24-19 is up for first reading it is amending the income tax code. Essentially our tax code now, there is really 3 different tax codes that need to be captured in this. Before Ohio made us change things, the tax code after Ohio made us change and then everything from 2020 on. We wanted this reviewed to make sure everything was right. There were really no major changes but that is there so we have on comprehensive tax code that reflects all three systems based on the timing of the tax reforms.

Ordinance 16-19 is up for vote tonight. Mr. Rouse says that there is no increase in the appropriation. What we are doing is reallocating money. We had surplus in the admin budget. We are reallocating \$7000.00 from admin to legal. There is no overall increase.

Ordinance 17-19 where we are transferring money from the general fund to the Canal Boat fund. There is no increase, proposing to reduce the transfer to the capital projects fund and redirect that money to the boat. The overall effect is there is no increase or change in the overall budget for these two particular pieces of legislation.

P.O. 122272 is to purchase a Mastic Applicator machine. Basically, Gary and Dave has asked to be able to redirect some of their capital budget to make this purchase. It is used to make patches on concrete roads. They previously were using asphalt to patch up these spots or they were using this bag patch material that wasn't working very well. They don't last. So, they decided to rent this machine and try it out and they ended up liking it. With use of the machine these patches will last close to 10 years. They can also use the machine for cracks. It has only been used by one other city before us and the vendor is basically saying it's a \$12,000 machine and they are willing to sell it to us for \$8,900. Because of their success they would like us to redirect some of their capital budget to purchase this.

The Mayor had presented, at the committee meeting last council, a proposed wage scale. The first page is a proposed scale that the Mayor covered. At that meeting several members of the committee had asked "What would the cost break down by year be" that is on the second page. This is assuming that all of our current employees stay on through 2024. What you can see is the net increase year by year if we were to implement that wage scale. By 2024 all of our existing employees would be at year 5 on the pay scale. After 2025 there would be no change on the scale.

Mr. Rouse says that we agreed to have a Finance Committee meeting the second meeting in September to discuss budget.

A motion was made to approve the July Financials by Sue Mayberry

Second by Scott Svab

All Council members voted yes. Motion approved.

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City Manager – Mr. Cozy says that it has come up in the past about lowering the speed on Canal Street by the YMCA. He says he is going to work with the County as much as he can to get the speed limit lowered to 35 mph. There have also been some citizens reaching out about the speed on Route 93 between State Route 21 and the City limits. It is 55 mph the whole way until its 35 mph in Canal Fulton. Mr. Cozy talked to ODOT, they did a speed study there and there is nothing there to justify the speed limit being reduced. Mr. Cozy told them it should be reduced at least to the hill. The trucks are damaging the roadway when they stop at the stop sign. They are going to look at it again and if nothing else put more signage out. There is already a sign out there but he thinks there going to put one further up the hill.

The owner of the feed mill property contacted the Mayor about selling the land. There is a grant that was due last Friday from the Clean Ohio Fund. It is an odd shaped parcel. Stark Parks owns a little bit of it, the City owns right of way there and Hartville Elevator owns a patch of ground by the river. The owner of Hartville Elevator came back with a price. Mr. Cozy explained that the way these grants go is the appraised value. He can give us a price and that is the number he can put in the Grant but if the appraisal comes in lower and that's where we are. It is the 75/25 match grant. Mr. Cozy went out there to see how many parking spaces are available there. It gives access to the trail, its across from the DragonFly Tea Room. Plus, there is access to the River. Mr. Cozy applied for the grant but we need legislation. Mr. Cozy says he will put the grant application in a format to legislate it and get Resolution to be on the Agenda for next week. Mrs. Mayberry asks how many spots it would give us? Mr. Cozy says maybe 15.

Mayor Schultz says he was approached by someone three years ago who wanted to do a public launch space for canoes. This would be an ideal spot. Mayor Schultz explains that what got us on the topic was discussing parking at the old Elementary School. Our Street Department guys pointed out to us that there is a lot between the railroad tracks and ST. Johns Lutheran Church that we have been mowing for years. Mrs. Mayberry asks who owns that? Mayor Schultz answers, we do we own that land. Mr. Svab asks what the acreage is, if it is a half-acre? Mayor Schultz says he doesn't think its even a half. Mr. Cozy says that they want \$40,000 for it he told them if the appraisal comes lower but the grant its \$10,000.

Mr. Dylewski had 105 spaces. Mrs. Mayberry asks if that is including some green space so it is not like an airplane runway? Mayor Schultz says that Keith's drawing had a buffer around it. That took us into the concept of islands. Mr. Whittington says if we do the islands it will look nicer but cost more.

Mr. Cozy says he applied for a grant for a new horse trailer. Checking out pricing. A used trailer is unlikely because of the size of our horses. We need a 7.5-foot-high trailer. It is basically \$15,000 purchase we are talking about for a trailer for those horses. Mr. Cozy asked them to pay half of that and he went to another agency to ask them to pay half of our match. We will have \$7,500 in this ourselves.

Mr. Cozy says that at the canal there is a lot of debris from the flooding we had. Talked to Stark Parks they will likely be doing cleaning project over the winter into the spring. We are having problems turning the boat around in front of the Canalway Center. The Canal is not very deep so when we have major weather it does affect it. Mr. Bucher says to let everyone who lives along there know. He says a lot of us have banks that have been busted up. He has boards all over the place and that will be the only opportunity he will have to fix it.

Mayor Schultz asked if he got an update from ODOT on Butterbridge and Route 21? Mr. Cozy says he got it and sent it to everyone but he has not read it himself. It is out in the Township so he forwarded it to the Trustees. It is not in their Newsletter. He doesn't know what is closed. Mayor Schultz says he called Marita today so she is going to try to put something in the newsletter. Mr. Fellmeth says it starts September 9th and goes until November 6th it will be closed for 60 days.

Mrs. Mayberry asks Mr. Cozy, coming down Walnut Street, which she tries to avoid because of the cars lining on Cherry in front of the Miller- Doan, you cannot see as you come out. She was wondering if there is anyway, we can do round mirrors on the poles so when you drive up you can see if it is clear. Mrs. Mayberry says you really have to be out in the middle of the road to know if you can turn left. Mayor Schultz says that is a great idea. That is the number one complaint. Mrs. Donaldson says that is a great idea.

Mayor – Mayor Schultz informs Council that Carla got the job at BJAAM Environmental. Mayor Schultz brings up something that was discussed at the HPC meeting regarding the old fashioned street lights

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that are downtown. He says that he wakes up early to check the street lights and if they are out, he puts the pink tape on them. He found four downtown of the older ones that aren't working. The one by the VFW was humming like it was going to blow up. Gary had Scott Heller come out and look at it. Scott said it would be around \$130 to replace it and everything that needs done to make it the same light that it was. For \$89 he can retrofit them for a LED Bulb. It struck up a conversation at HPC so Mayor Schultz wanted to get Council's opinion.

Mayor Schultz is hoping that the Sidewalk repair gets done sometime after Labor Day. We still need to come up with a plan to know how much we are going to get done. We will get a P.O. started on that and we will need to appropriate some funds from the downtown fund to pay for that.

Mr. Whittington says he gets a lot of complaints about how bad the sidewalks are. Mr. Whittington says he doesn't know what to tell them, are they going to get fixed before winter. Mayor Schultz, says yes. He explains that DiStefano's sidewalk they formed it up on a Saturday and they guy said they would be back on Monday. They came back a week from the following Monday. Every contractor you talk to says its rainy so they can't pour or the humidity is too high and the concrete dries too fast. So hopefully we will start the week after Labor Day. Mayor Schultz says we are doing 23, 9x3 patches where the old trees were. Then there are 9 patches that are 10x8 that go all the way back to the building spaces where the concrete is heaved up and is a tripping hazard. They should be marked with a white x.

Parks & Recreation Board- No report.

Law Director – Resolution 16-19 which is on first reading tonight. Its sort of confusing to read it but the majority of Council was not here when this was passed ten years ago. It is a Resolution to permit revenue bonds to be issued to United Church Homes specifically chapel hill here in our community. By Federal Law because it is non profit institution the local government has to approve it. We have no obligation or expense that will be incurred by us as a result of this. We are just consenting to let them issue revenue bonds that will let them upgrade Chapel Hill. Canal Fulton does not have any legal obligation or liability because of it.

Mayor Schultz asks if Marion is where their corporate headquarters is? Mr. Fellmeth says no, that is where they are borrowing the money from. This is similar to a Resolution that was done ten years ago. It is only different because they are asking for two bonds for different projects.

THIRD READINGS

Ordinance 16-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$7,000 – Codify City Ordinances)

A motion was made to approve Ordinance 16-19 by Dan Bucher, Jr.

Second by Bonnie Donaldson

All Council Members voted yes. Motion approved.

Ordinance 17-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$10,000 Transfer to Canal Boat Fund)

A motion was made to approve Ordinance 17-19 by Sue Mayberry

Second by Scott Svab

All Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 18-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$25,000 – Brick repair on High Street)

Ordinance 19-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$5,824.00 - 2 solar speed signs on Canal Street)

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Ordinance 20-19: An Ordinance Creating Chapter 184 of the Canal Fulton Codified Ordinances Lodging Tax, and Repealing Any Ordinances in Conflict Therewith

Ordinance 21-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$9,584.00 – 4 poles and 8 lights for community park parking lot)

Ordinance 22-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$9,000.00 to pay for water tower fencing repairs)

Ordinance 23-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$280,000 to pay for construction at Community Park until first grant reimbursement)

FIRST READINGS

Ordinance 24-19: An Ordinance Amending the Canal Fulton, Ohio Income Tax Ordinance

Resolution 16-19: A Resolution Granting Approval of The Issuance by the County of Marion, Ohio of its Revenue Bonds, A Portion of the Proceeds of Which Will be Used to Finance and Refinance Facilities Owned and Operated by United Church Homes, INC. Located Within the City of Canal Fulton, Ohio.

P.O.s

P.O. RG012272 to SealMaster Hillsville in the amount of \$8,900.00 for Mastic Applicator Machine

A motion was made to approve P.O. RG012272 by Sue Mayberry

Second by Eric Whittington

All Council Members vote yes. Motion approved.

P.O. RG012278 to Melway Paving Co. Inc in the amount of \$81,000.00 for 2019 Chip & Seal

A motion was made to approve P.O. RG012278 by Scott Svab

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

BILLS

July Bills \$358,461.30

A motion was made to approve the July Bills by Scott Svab

Second by Dan Bucher, Jr.

Mrs. Mayberry asks if they can explain several of the check numbers regarding tuition reimbursement for different individuals. Chief Durkee says that was a grant that was written for recruitment and retention. Part of it was to fund people going to school in an effort that they would maintain association with the department. Mr. Svab asks If they are paying for the paramedic school? Chief Durkee says they are paying for anything that anyone applies for. They have to be either a firefighter, the firefighters come first, but we had only a limited number of firefighters apply so it also applies to firefighter families. Mrs. Mayberry says, so we got the grant and this is paid for out of the grant. Mrs. Donaldson asks what to Stephen Ginella was for, collections? Mr. Rouse says we use Stephen Ginella for delinquent income tax and EMS. He is our collections Attorney.

All Council Members vote yes. Motion approved.

OLD/NEW/OTHER BUSINESS

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

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CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

ADJOURNMENT

Mayor Schultz adjourned the meeting at 8:16 p.m.

Meeting minutes prepared by: Alyssa Bettis

Minutes Approved by: Mayor Joseph A. Schultz

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 18-19

Passed _____, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$25,000.00 to pay for the brick repair work on High Street.

Fund/Department	Previously Approved	Change	New Appropriation
MVL Tax Fund - 206			
MVL Tax Fund - Operating	\$77,000.00	\$25,000.00	\$102,000.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

Ordinance No. 19-19

Passed _____, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$5,824.00 to pay for two solar speed signs on Canal Street.

Fund/Department	Previously Approved	Change	New Appropriation
Capital Projects Reserve Fund - 390			
Capital Projects Reserve Fund - Capital	\$66,550.00	\$5,824.00	\$72,374.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEIR GRAPHICS 810-325-8084 FORM NO. 30043

Ordinance No.

20-19

Passed

, 20

AN ORDINANCE CREATING CHAPTER 184 OF THE CANAL FULTON CODIFIED ORDINANCES, LODGING TAX, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Ohio Revised Code permits local governments to levy a 3.0 percent tax on lodging furnished to guests by hotels and motels within the local jurisdiction, and

WHEREAS, the City desires to establish this tax by creating Chapter 184 of the Canal Fulton Codified Ordinances, to be titled Lodging Tax, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

Section 1: Chapter 184 Lodging Tax is hereby created and the Administrative Code consists of the following:

184.01 INTENT

It is the intent of this chapter to levy an excise tax of three percent (3%) on transactions by which lodging by a hotel is or is to be furnished to temporary occupants, as authorized and permitted by Ohio Revised Code 5739. Accordingly, this chapter shall be construed to effectuate that purpose and to be consistent with any requirement of law, compliance with which is a prerequisite to the validity of the tax intended to be levied.

184.02 PURPOSE

There shall be levied an excise tax on transactions by which lodging by a hotel is or is to be furnished to temporary occupants of three percent (3%) of the amount paid or to be paid by the temporary occupants for the lodging for the purpose of providing revenue with which to help meet the needs of the City. The revenue is to be accounted for within the City's General Fund.

184.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Administrator" means the Finance Director.
- (b) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for consideration to temporary occupants, in which more than one room is used for the accommodation of temporary occupants, whether the rooms are in one or more structures.
- (c) "Temporary occupants" means persons occupying a room or rooms for sleeping accommodations for less than thirty days.
- (d) "Vendor" means the person who is the owner or operator of the hotel and who furnishes the lodging.

184.04 APPLICATION OF TAX

The tax shall be known as the Lodging Tax. It applies and is collectable at the time the lodging is furnished, regardless of the time when the price is paid. The tax does not apply to lodging furnished to the State or any of its political subdivisions. For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels in the City to temporary occupants is subject to the tax until the contrary is established.

184.05 TAX COLLECTION: EXEMPTIONS

- (a) The lodging tax imposed by this chapter shall be paid by the temporary occupants to the vendor, and each vendor shall collect from the temporary occupants the full and exact amount of the tax payable on each taxable

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lodging. The tax required to be collected under this chapter shall be deemed

to be held in trust by the vendor until paid to the Administrator, as provided in Section 184.08. If for any reason the tax due is not paid to the vendor, the Administrator may require that the tax be paid directly to the Administrator.

(b) No exemption shall be granted except on a claim made at the time the tax is collected and under penalty or perjury on a form prescribed by the Administrator.

(c) Health care providers who provide hospital or nursing home rooms in relationship to health care to a patient are exempt from the application of this chapter. Further, entities holding federal tax exempt status remain exempt from the application of this chapter.

184.06 RECORDS

The lodging tax shall be stated and charged separately from the charge for the lodging and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and on every evidence of occupancy issued or delivered by the vendor.

184.07 LIMITATIONS ON TAX REDUCTIONS

No vendor shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the vendor, or that it will not be added to the amount charged for the lodging, or that, if added, any part will be refunded, except in the manner provided in this chapter.

184.08 RETURNS REQUIRED

(a) Each vendor shall, on or before twenty (20) days after the last day of each quarter of the calendar year, make and file a return for that quarter, on forms prescribed by the Administrator, showing the receipts from furnishing lodging, the amount of tax due from the vendor to the City for the period covered by the return, and any other information the Administrator deems necessary for the proper administration of this chapter. The Administrator may extend the time for making and filing returns. Returns shall be filed by delivering or mailing them to the Administrator, together with payment of the full amount of tax shown to be due thereon.

(b) The Administrator may authorize vendors whose tax liability is not such as to merit quarterly returns, as determined by the Administrator on the basis of administrative costs of the City, to make and file returns at less frequent intervals. This authorization shall be in writing and shall indicate the intervals at which returns are to be filed.

(c) All claims for exemption from tax filed by temporary occupants with the vendor during the reporting period shall be filed with the return.

(d) All returns and payments submitted by each vendor shall be treated as confidential by the Administrator and shall not be released except on order of a court of competent jurisdiction or to an officer or agent of the United States, the State, the County or the City, for official use only.

(e) The Administrator, if he/she deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than quarterly periods. The returns shall be signed by the vendor or his authorized agent.

184.09 REFUNDS

The Administrator shall refund or grant credits to vendors for the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor had not reimbursed himself from the temporary occupant. A temporary occupant may obtain a refund or credit for the amount of taxes paid illegally or erroneously, but only when the tax was paid by the temporary occupant directly to the Administrator. No refund shall be paid unless the claimant establishes his right thereto by written records

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showing entitlement and makes a claim in writing on forms furnished by the Administrator, stating under penalty of perjury the specific grounds on which the claim is founded. The claim shall be filed with the Administrator within three years of the date of payment.

184.10 FAILURE TO COLLECT AND REPORT TAX

If any vendor fails or refuses to collect the lodging tax or to file a return to make a remittance of the tax or any portion thereof, as required by this chapter, the Administrator shall proceed in the manner he/she may deem best to obtain information on which to base the assessment of any tax imposed by this chapter and payable by any vendor who has failed or refused to collect the tax, or to file a return and to make a remittance of the proper amount thereof. The Administrator shall proceed to determine and assess against the vendor the tax and penalty provided for in this chapter. The Administrator shall have the power to issue subpoenas compelling persons to respond, provide testimony or provide documentary evidence which the administration deems necessary for the enforcement of this chapter.

184.11 HEARINGS

(a) In cases where a determination as provided for in Section 184.10 is made, the Administrator shall give notice of the amount so assessed by serving it personally or by registered or certified mail. The vendor may within ten days after the serving or mailing of the notice, make application in writing to the Administrator for a hearing on the amount assessed. If application by the vendor is not made within the time prescribed, the tax and civil penalty determined by the Administrator shall become final and conclusive and immediately due and payable.

(b) If the application is made, the Administrator shall give not less than five days written notice in the manner prescribed in this section to the vendor to shown cause as a time and place fixed in the notice why the amount specified therein should not be fixed for the tax and penalty. At this hearing, the vendor may appear and offer evidence.

184.12 PENALTY

Any vendor or temporary occupant who fails to comply with the requirements of Chapter 184 as set forth herein shall be subject to a civil penalty equal to the amount of the lodging tax which was not timely remitted to the Administrator, plus interest on all tax due at the rate of ten percent (10%) per annum. In addition to the civil penalty assessed, any vendor or temporary occupant who fails to comply with the requirement of Chapter 184 as set forth herein is guilty of a misdemeanor of the fourth degree.

Section 3: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance shall take effect and be in full force and effect starting November 1, 2019.

ATTEST:

Joseph A. Schultz, Mayor

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as

RECORD OF ORDINANCES

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Ordinance No. 20-19 Passed _____, 20____

determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the ____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 21-19

Passed _____, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$9,584.00 to pay for 4 poles and 8 lights for the community park parking lot.

Fund/Department	Previously Approved	Change	New Appropriation
Capital Projects Reserve Fund - 390			
Capital Projects Reserve Fund - Capital	\$72,374.00	\$9,584.00	\$81,958.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No.

22-19

Passed

, 20

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$9,000.00 to pay for water tower fencing repairs.

Fund/Department	Previously Approved	Change	New Appropriation
Water Fund - 541			
Water Fund - Operating	\$202,200.00	\$9,000.00	\$211,200.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GR./PHICS 800-325-8094 FORM NO. 30043

Ordinance No. 23-19

Passed _____, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$280,000.00 to pay for construction at Community Park until the first grant reimbursement.

Fund/Department	Previously Approved	Change	New Appropriation
Capital Projects Reserve Fund - 390			
Capital Projects Reserve Fund - Capital	\$81,958.00	\$280,000.00	\$361,958.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

SEAR C:\APR\103 800-325-8784 FORM NO. 10043

Ordinance No.

24-19

Passed

, 20

AN ORDINANCE AMENDING THE CANAL FULTON, OHIO INCOME TAX ORDINANCE.

WHEREAS, the Electors of the City of Canal Fulton, Ohio approved the Amendment of the Canal Fulton Income Tax Ordinance on May 7, 2019.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

The City of Canal Fulton hereby amends the Canal Fulton, Ohio Income Tax Ordinance attached as Exhibit "A" and incorporated by reference herein and repealing any Ordinance in conflict therewith.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk-of-Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2019, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the city's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk-of-Council

SEF/bp

Exhibit "A"

**CANAL FULTON, OHIO
INCOME TAX ORDINANCE**

Effective January 1, 2016

Ordinance No. _____

SECTION 182.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations; maintenance, new equipment, extension and enlargement of municipal services and facilities, and capital improvements, the City of Canal Fulton hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B)(1) The annual tax is levied at a rate of one and one-half percent (1.5%). After January 1, 2020, the annual tax shall be levied at the annual rate of two percent (2.0%) per annum, for tax years beginning on or after January 1, 2020. The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City of Canal Fulton. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 182.03 of this Chapter and other sections as they may apply.

(2)(a) One percent (1.0%) shall be allocated for the purposes stated in Section 182.01 (A).

(b) One-tenth percent (.1%) shall be allocated for Police Department operations.

(c) Four-tenths percent (0.4%) shall be allocated to the General Fund for 24-hour fire and EMS staffing; one full-time and two part-time police officers; traffic safety improvements; replacement for fire, police, and road maintenance equipment; elimination of the 1 mill property levy for fire and EMS; elimination of the 1 mill levy for police; begin an asphalt paving program and establish a reserve fund.

(d) After January 1, 2020, five-tenths percent (0.5%) shall be allocated for street expenses.

(C) The tax on income and the withholding tax established by this Ordinance are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). This ordinance is effective for tax years beginning on and after January 1, 2016. Municipal tax years beginning on or before December 31, 2015, are subject to the income tax ordinance and amendments thereto, and rules and regulations and amendments thereto, as they existed before January 1, 2016.

SECTION 182.02 DEFINITIONS.

(A) Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the ORC, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the ORC and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the ORC.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this chapter:

(1) **"Adjusted federal taxable income,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under (C)(24)(e) of this division, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five percent (5%) of intangible income deducted under division (C)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in (C)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (C)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the property transferred under that agreement under Section 4313.02 of the IRC.

(h) Deduct exempt income to the extent not otherwise deducted or included in computing adjusted federal taxable income.

(i) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 182.05.

(j) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 182.05.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (C)(48)(b) of this section, is not a publicly traded partnership that has made the election described in division (C)(24)(e) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (C)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2)(a) **"Assessment"** means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the Board of Review pursuant to Section 182.21, and has **"ASSESSMENT"** written in all capital letters at the top of such finding.

(b) **"Assessment"** does not include a notice denying a request for refund issued under division (C)(3) of Section 182.09, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, the Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or the Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (C)(2)(a) of this section.

(3) **"Audit"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) **"Board of Review"** or "Board of Review" or "Board of Tax Appeals", or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 182.21.

(5) **"Calendar quarter"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"Casino operator"** and **"casino facility"** have the same meanings as in Section 3772.01 of the ORC.

(7) **"Certified mail," "express mail," "United States mail," "postal service,"** and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.

(8) **"Disregarded entity"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(9) **"Domicile"** means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(10) **"Employee"** means an individual who is an employee for federal income tax purposes.

(11) **"Employer"** means a person that is an employer for federal income tax purposes.

(12) **"Exempt income"** means all of the following:

(a) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state.

(b) Intangible income.

(c) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(12)(c) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(e)(2) of the Internal Revenue Code.

(d) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(e) Compensation paid under Section 3501.23 or 3501.26 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed \$1,000 for the taxable year. Such compensation in excess of \$1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(f) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(g) Alimony and child support received.

(h) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.

(i) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division (C)(12)(i) of this section does not apply for purposes of Chapter 5745. of the ORC.

(j) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(k) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(l) Employee compensation that is not qualifying wages as defined in division (C)(35) of this section.

(m) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(n) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(o) All of the income of individuals or a class of individuals under 18 years of age.

(p)(i) Except as provided in divisions (C)(12)(p)(ii), (iii), and (iv) of this section, qualifying wages described in division (C)(2) or (5) of Section 182.04 to the extent the qualifying wages are not subject to withholding for the City of Canal Fulton under either of those divisions.

(ii) The exemption provided in division (C)(12)(p)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (C)(4)(b) of Section 182.04.

(iv) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(a) For qualifying wages described in division (C)(2) of Section 182.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or for qualifying wages described in division (C)(5) of Section 182.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(b) The employee receives a refund of the tax described in division (C)(12)(p)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(q)(i) Except as provided in division (C)(12)(q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the City of Canal Fulton on not more than 20 days in a taxable year.

(ii) The exemption provided in division (C)(12)(q)(i) of this section does not apply under either of the following circumstances:

(a) The individual's base of operation is located in the municipal corporation.

(b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(12)(q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 182.04 (C).

(iii) Compensation to which division (C)(12)(q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division (C)(12)(q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(r) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(s) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(13) **"Form 2106"** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(14) **"Generic form"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(15) **"Gross receipts"** means the total revenue derived from sales, work done, or service rendered.

(16) **"Income"** means the following:

(a)(i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in (C)(24)(e) of this division.

(ii) For the purposes of division (C)(16)(a)(i) of this section:

(a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (C)(16)(a)(iv) of this section;

(b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division (C)(16)(a)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax to the municipal corporation as provided in division (C)(12)(n) or (C)(13)(e) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(b) In the case of nonresidents, all income, salaries, profit, wages, commissions, and other compensation from whatever source derived or received by the nonresident for work done, services performed or rendered, or activities conducted in and municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(c) For taxpayers that are not individuals, net profit of the taxpayer;

(d) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(e) Intentionally left blank.

(17) **"Intangible income"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(18) **"Internal Revenue Code"** has the same meaning as in Section 5747.01 of the ORC.

(19) **"Limited liability company"** means a limited liability company formed under Chapter 1705. of the ORC or under the laws of another state.

(20) **"Municipal corporation"** includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691, 715.70, 715.71, or 715.74 of the ORC.

(21)(a) **"Municipal taxable income"** means the following:

(i) For a person other than an individual, income apportioned or sitused to the City of Canal Fulton under Section 182.03, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the City of Canal Fulton.

(ii)(a) For an individual who is a resident of the City of Canal Fulton, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(b) For an individual who is a nonresident of the City of Canal Fulton, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under Section 182.03, then reduced as provided in division (C)(21)(b) of this section, and further reduced by

any pre-2017 net operating loss carryforward available to the individual for the City of Canal Fulton.

(b) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (C)(21)(a)(ii)(a) or (C)(21)(b) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but only to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(22) **"Municipality"** means the same as the City of Canal Fulton. If the terms are capitalized in the ordinance they are referring to the City of Canal Fulton. If not capitalized they refer to a municipal corporation other than the City of Canal Fulton.

(23) **"Net operating loss"** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(24)(a) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (C)(24)(b) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (C)(24)(c) of this section.

(b) "Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (C)(24)(c) of this section.

(c) (i) The amount of such operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five (5) consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(24)(c) of this section to offset qualifying wages.

(iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(24)(c) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by (C)(24)(c) of this section without regard to the limitation of division (C)(24)(c)(iii)(a) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to (C)(24)(c) of this section.

(v) Nothing in division (C)(24)(c)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(24)(c)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(24)(c)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(24)(c)(iii)(a) of this section shall apply to the amount carried forward.

(d) For the purposes of this chapter, and notwithstanding division (C)(24)(a) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(e) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by the City of Canal Fulton, may elect to be treated as a C corporation for the City of Canal Fulton. The election shall be made on the annual return for the City of Canal Fulton. The City of Canal Fulton will treat the publicly traded partnership as a C corporation if the election is so made.

(25) "Nonresident" means an individual that is not a resident.

(26) "Ohio Business Gateway" means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(27) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(28) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(29) "Pension" means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(30) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability

companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(31) **"Postal service"** means the United States postal service.

(32) **"Postmark date," "date of postmark,"** and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

(33)(a) **"Pre-2017 net operating loss carryforward"** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the City of Canal Fulton that was adopted by the City of Canal Fulton before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in the City of Canal Fulton in future taxable years.

(b) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(34) **"Publicly traded partnership"** means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(35) **"Qualifying wages"** means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Intentionally left blank.

(iv) Intentionally left blank.

(v) Any amount included in wages that is exempt income.

(b) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (C)(35)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Div. or (C) (35)(b)(ii) of this section applies only to employee contributions and employee benefits.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

(a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(c) For no succeeding taxable year will the amount constitute wages; and

(d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (C)(35)(b) of this section or ORC Section 718.03, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(36) "Related entity" means any of the following:

(a) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (C)(36)(d) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock;

(d) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (C)(36)(a) to (c) of this section have been met.

(37) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as

defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(38) **"Resident"** means an individual who is domiciled in the municipal corporation as determined under Section 3(E).

(39) **"S corporation"** means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(40) **"Schedule C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(41) **"Schedule E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(42) **"Schedule F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(43) **"Single member limited liability company"** means a limited liability company that has one direct member.

(44) **"Small employer"** means any employer that had total revenue of less than \$500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(45a) **"Tax Administrator"** means the individual charged with direct responsibility for administration of an income tax levied by the City of Canal Fulton in accordance with this chapter.

(b) **"Tax commissioner"** means the tax commissioner appointed under section 121.03 of the Revised Code.

(46) **"Tax return preparer"** means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(47) **"Taxable year"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(48)(a) **"Taxpayer"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b)(i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least \$400,000.

(49) **"Taxpayers' rights and responsibilities"** means the rights provided to taxpayers in Sections 9, 12, 13, 19(B), 20, 21, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the ORC and resolutions, ordinances, and rules and regulations adopted by the City of Canal Fulton for the imposition and administration of a municipal income tax.

(50) **"Video lottery terminal"** has the same meaning as in Section 3770.21 of the ORC.

(51) **"Video lottery terminal sales agent"** means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

SECTION 182.03 IMPOSITION OF TAX.

The income tax levied by the City of Canal Fulton at a rate of one and one-half percent (1.5%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City of Canal Fulton. After January 1, 2020, the annual tax levied by the City of Canal Fulton shall be at the rate of two percent (2.0%) for tax years beginning on or after January 1, 2020, on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City of Canal Fulton.

Individuals.

(A) For residents of the City of Canal Fulton the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned and/or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 182.02 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C)(1) For residents and nonresidents subject to the City of Canal Fulton's income tax of one and one-half percent (1.5%), income can be reduced to "Municipal Taxable Income" as defined in Section 182.02 (C)(21). Exemptions which may apply are specified in Section 182.02 (C)(12).

(2) After January 1, 2020, residents and nonresidents subject to the City of Canal Fulton's income tax of two percent (2.0%) for tax years beginning on or after January 1, 2020, income can be reduced to "Municipal Taxable Income" as defined in Section 182.02 (C)(21). Exemptions which may apply are specified in Section 182.02 (C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D)(1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c)(i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City of Canal Fulton with respect to any

portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City of Canal Fulton each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the City of Canal Fulton income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the City of Canal Fulton, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City of Canal Fulton for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E)(1)(a) An individual is presumed to be domiciled in the City of Canal Fulton for all or part of a taxable year if the individual was domiciled in the City of Canal Fulton on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the City of Canal Fulton for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City of Canal Fulton for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the City of Canal Fulton for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed;

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the City of Canal Fulton. For the purposes of this division, an individual has one "contact period" with the City of Canal Fulton if the individual is away overnight from the individual's abode located outside of the City of Canal Fulton and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City of Canal Fulton.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the City of Canal Fulton, unless the taxpayer is an individual who resides in the City of Canal Fulton or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the City of Canal Fulton shall be considered as having a taxable situs in the City of Canal Fulton for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City of Canal Fulton during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City of Canal Fulton to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 182.04 (C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City of Canal Fulton to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2)(a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City of Canal Fulton, the taxpayer may request, or the Tax Administrator of the City of Canal Fulton may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 182.12 (A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 182.12 (A).

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or

on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F) (3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(a)(i) For tax years prior to the taxable year beginning January 1, 2018, gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the City of Canal Fulton if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the City of Canal Fulton from a stock of goods located within the City of Canal Fulton.

(b) The property is delivered within the City of Canal Fulton from a location outside the City of Canal Fulton, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Canal Fulton and the sales result from such solicitation or promotion.

(c) The property is shipped from a place within the City of Canal Fulton to purchasers outside the City of Canal Fulton, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(ii) For taxable years beginning on or after January 1, 2018, gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the City of Canal Fulton from a stock of goods located within the City of Canal Fulton.

(b) The property is delivered within the City of Canal Fulton from a location outside the City of Canal Fulton, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Canal Fulton and the sales result from such solicitation or promotion.

(b) Gross receipts from the sale of services shall be situated to the City of Canal Fulton to the extent that such services are performed in the City of Canal Fulton.

(c) To the extent included in income, gross receipts from the sale of real property located in the City of Canal Fulton shall be situated to the City of Canal Fulton.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the City of Canal Fulton shall be situated to the City of Canal Fulton.

(e) Gross receipts from rents and royalties from tangible personal property shall be situated to the City of Canal Fulton based upon the extent to which the tangible personal property is used in the City of Canal Fulton.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City of Canal Fulton's tax only if the property generating the net profit is located in the City of Canal Fulton or if the individual taxpayer that receives the net profit is a resident of the City of Canal Fulton. The City of Canal Fulton shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(6)(a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Canal Fulton, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Canal Fulton to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City of Canal Fulton shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City of Canal Fulton. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City of Canal Fulton's income tax ordinance.

(7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Left intentionally blank.

(9) Intentionally left blank.

SECTION 182.04 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the City of Canal Fulton shall withhold an income tax from the qualifying wages earned and/or received by each employee in the City of Canal Fulton. Except for qualifying wages for which withholding is not required under Section 182.03 or division (B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 182.03 of this chapter, of one and one-half percent (1.5%). After January 1, 2020, the tax shall be withheld at the rate specified in Section 182.03 of this chapter, of two percent (2.0%) for tax years beginning on or after January 1, 2020. An employer, agent of an employer, or

other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B)(1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the City of Canal Fulton the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the City of Canal Fulton in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the City of Canal Fulton in any month of the preceding calendar quarter exceeded \$200.

Payment under division (B)(1)(a) of this section shall be made to the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the last day of the month following the last day of each calendar quarter.

(c) Intentionally left blank.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment and subsequent payments, based on the Tax Administrator's determination, may be required to be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the City of Canal Fulton. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by the Tax Administrator as the return required of a non-resident employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the City of Canal Fulton income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5)(a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this chapter or

by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the City of Canal Fulton the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the City of Canal Fulton income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the City of Canal Fulton until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the City of Canal Fulton during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold City of Canal Fulton income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this chapter, to be tax required to be withheld and remitted for the purposes of this section.

Occasional Entrant - Withholding.

(C)(1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2)(a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold City of Canal Fulton income tax on qualifying wages paid to an employee for the performance of personal services in the City of Canal Fulton if the employee performed such services in the City of Canal Fulton on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the City of Canal Fulton.

(ii) The employee performed services at one or more presumed worksite locations in the City of Canal Fulton. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the City of Canal Fulton at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the City of Canal Fulton and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 182.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the City of Canal Fulton only if the employee spent more time performing services for or on behalf of the employer in the City of Canal Fulton than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4)(a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the City of Canal Fulton exceeds the 20-day threshold, the employer shall withhold and remit tax to the City of Canal Fulton for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the City of Canal Fulton.

(b) An employer required to begin withholding tax for the City of Canal Fulton under division (C)(4)(a) of this section may elect to withhold tax for the City of Canal Fulton for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the City of Canal Fulton.

(5) If an employer's fixed location is the City of Canal Fulton and the employer qualifies as a small employer as defined in Section 182.02, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the City of Canal Fulton, regardless of the number of days which the employee worked outside the corporate boundaries of the City of Canal Fulton.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that the Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 182.04.

SECTION 182.05 ANNUAL RETURN; FILING.

(A) An annual City of Canal Fulton income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 182.04 of this Chapter when the nonresident individual taxpayer's sole income

subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the City of Canal Fulton.

(2) Retirees having no Municipal Taxable Income for the City of Canal Fulton income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the City of Canal Fulton, at which time the retiree shall be required to comply with all applicable provisions of this ordinance/chapter.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the City of Canal Fulton, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) The City of Canal Fulton shall permit spouses to file a joint return.

(F)(1) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return, and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the

documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(4) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the City of Canal Fulton to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(G)(1)(a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City of Canal Fulton. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day (15th) of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City of Canal Fulton. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City of Canal Fulton's income tax return. The extended due date of the City of Canal Fulton's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the City of Canal Fulton's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may submit a written request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's City of Canal Fulton income tax return. If the request is received by the Tax Administrator on or before the date the City of Canal Fulton income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of the City of Canal Fulton's income tax return. The extended due date of the City of Canal Fulton's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City of Canal Fulton, the Tax Administrator may require

taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

(H)(1) For taxable years beginning after 2015, the City of Canal Fulton shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the City of Canal Fulton for a taxable year pursuant to division (H)(1) of this section shall file with the City of Canal Fulton an annual net profit return under division (F)(3) of this section, unless the provisions of division (H)(3) apply.

(3)(a) A person may notify the Tax Administrator that the person does not expect to be a taxpayer subject to the City of Canal Fulton income tax ordinance for a taxable year if both the following apply:

(i) The person was required to file a tax return with the City of Canal Fulton for the immediately preceding taxable year because the person performed services at a worksite location (as defined in Section 4(C)(1)(g)) within the City of Canal Fulton.

(ii) The person no longer provides services in the City of Canal Fulton and does not expect to be subject to the City of Canal Fulton income tax for the taxable year.

(b) The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the City of Canal Fulton. The affidavit shall also include the following statement: "The affiant has no plans to perform any services within the City of Canal Fulton, make any sales in the City of Canal Fulton, or otherwise become subject to the tax levied by the City of Canal Fulton during the taxable year. If the affiant does become subject to the tax levied by the City of Canal Fulton for the taxable year, the affiant agrees to be considered a taxpayer and to properly comply as a taxpayer with the City of Canal Fulton income tax ordinance and rules and regulations." The person shall sign the affidavit under penalty of perjury.

(c) If a person submits an affidavit described in division (H)(3)(b) the Tax Administrator shall not require the person to file and tax return for the taxable year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change.

(d) Nothing in division (H)(3) of this section prohibits the Tax Administrator from performing an audit of the person.

(I) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(J) Taxes withheld for the City of Canal Fulton by an employer, the agent of an employer, or other payer as described in Section 182.04 shall be allowed to the taxpayer

as credits against payment of the tax imposed on the taxpayer by the City of Canal Fulton, unless the amounts withheld were not remitted to the City of Canal Fulton and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the City of Canal Fulton to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

(L) The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by the City of Canal Fulton, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by the City of Canal Fulton or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter and of the City of Canal Fulton's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

Filing via Ohio Business Gateway.

(M)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file the City of Canal Fulton's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(2) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(3) Nothing in this section affects the due dates for filing employer withholding tax returns.

Extension for service in or for the armed forces.

(N) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the president of the United States or an act of the congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the City of Canal Fulton for both an extension of time for filing of the return and an extension of time for payment of taxes required by the City of Canal Fulton during the period of the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the one hundred eightieth day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(O)(1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a

contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(2) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the City of Canal Fulton before the 181st day after the applicant's active duty or service terminates.

(3) Taxes paid pursuant to a contract entered into under (O)(1) of this division are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(P)(1) Nothing in this division denies to any person described in this division the application of divisions (N) and (O) of this section.

(2)(a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by the City of Canal Fulton in accordance with this chapter. The length of any extension granted under division (P)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the president of the United States or an act of the congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(b) Taxes whose payment is extended in accordance with division (P)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(Q) For each taxable year to which division (N), (O), or (P) of this section applies to a taxpayer, the provisions of divisions (O)(2) and (3) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

Consolidated municipal income tax return.

(R) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (R)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the ORC.

(5) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the ORC.

(S)(1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the City of Canal Fulton's income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (S)(2) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (S)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (S)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(4) When a taxpayer makes the election allowed under section 718.80 of the Revised Code, a valid election made by the taxpayer under division (B)(1) or (2) of this section is binding upon the Tax Administrator for the remainder of the five-year period.

(5) When an election made under section 718.80 of the Revised Code is terminated, a valid election made under section 718.86 of the Revised Code is binding upon the tax administrator for the remainder of the five-year period.

(T) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated City of Canal Fulton income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the City of Canal Fulton. A taxpayer that is required to file a consolidated City of Canal Fulton income tax return for a taxable

year shall file a consolidated City of Canal Fulton income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(U) A taxpayer shall prepare a consolidated City of Canal Fulton income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(V)(1) Except as otherwise provided in divisions (V)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 182.02, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated City of Canal Fulton income tax return shall make any adjustment otherwise required under Section 182.02 (C)(1) to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated City of Canal Fulton income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 182.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the City of Canal Fulton. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 182.05, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the City of Canal Fulton. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty percent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (R) through (Y) of Section 182.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the City of Canal Fulton;

(b) The pass-through entity shall be subject to the City of Canal Fulton income taxation as a separate taxpayer in accordance with this chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(W) Corporations filing a consolidated City of Canal Fulton income tax return shall make the computations required under divisions (R) through (Y) of Section 182.05 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(X) Each corporation filing a consolidated City of Canal Fulton income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the City of Canal Fulton in accordance with this chapter on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(Y) Corporations and their affiliates that made an election or entered into an agreement with the City of Canal Fulton before January 1, 2016, to file a consolidated or combined tax return with the City of Canal Fulton may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

SECTION 182.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City of Canal Fulton who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a nonrefundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. Subject to division (C) of this section, if the tax rate of the other municipality is the same or lower than the City of Canal Fulton's tax rate, the credit shall not exceed fifty percent (50%) of the tax paid to the other municipality; however, effective January 1, 2020, for tax years beginning on or after January 1, 2020, the credit shall not exceed one hundred percent (100%). If the other municipality's tax rate is higher than Canal Fulton's tax rate, the credit shall not exceed fifty percent (50%) of the City of Canal Fulton's tax rate; however, effective January 1, 2020, for tax years beginning on or after January 1, 2020, the credit shall not exceed one hundred percent (100%).

(B) The City of Canal Fulton shall grant a credit against its tax on income to a resident of the City of Canal Fulton who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio

R.C. 715.70, 715.71, or 715.72 of the ORC to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (A) of this section, the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

(D) Intentionally left blank.

SECTION 182.07 ESTIMATED TAXES.

(A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for the City of Canal Fulton's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to the City of Canal Fulton for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least \$200. For the purposes of this section:

(a) Taxes withheld for the City of Canal Fulton from qualifying wages shall be considered as paid to the City of Canal Fulton in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 182.05 or on or before the fifteenth (15th) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the City of Canal Fulton, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half (22.5) percent of the tax liability for the taxable year;

(b) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five (45) percent of the tax liability for the taxable year;

(c) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half (67.5) percent of the tax liability for the taxable year;

(d) On or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year. For taxable years beginning on or after January 1, 2018, for an individual, on or before the fifteenth (15th) day of the first month of the following taxable year, ninety percent (90%) of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth (15th) day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 5.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 182.18 upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred percent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the City of Canal Fulton under Section 182.05 for that year.

(3) The taxpayer is an individual who resides in the City of Canal Fulton but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

SECTION 182.08 ROUNDING OF AMOUNTS.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this chapter. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

SECTION 182.09 REQUESTS FOR REFUNDS.

(A) As used in this section, "withholding tax" has the same meaning as in Section 182.18.

(B) Upon receipt of a request for a refund, the Tax Administrator, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the City of Canal Fulton:

(1) Overpayments of ten dollars or more;

(2) Amounts paid erroneously if the refund requested is ten dollars or more.

(C)(1) Except as otherwise provided in this chapter, requests for refund shall be filed with the Tax Administrator, on the form prescribed by the Tax Administrator within three years after the tax was due or paid, whichever is later. The Tax Administrator may require the requestor to file with the request any documentation that substantiates the requestor's claim for a refund.

(2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount for payment. Except as provided in division (C)(3) of this section, the Tax Administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(3) If the Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 182.21.

(D) A request for a refund that is received after the last day for filing specified in division (C) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(E) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return

on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in Section 182.18 (A)(4).

SECTION 182.10 SECOND MUNICIPALITY IMPOSING TAX AFTER TIME PERIOD ALLOWED FOR REFUND.

(A) Income tax that has been deposited with the City of Canal Fulton, but should have been deposited with another municipality, is allowable by the City of Canal Fulton as a refund but is subject to the three-year limitation on refunds.

(B) Income tax that was deposited with another municipality but should have been deposited with the City of Canal Fulton is subject to recovery by the City of Canal Fulton. If the City of Canal Fulton's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the City of Canal Fulton shall allow a nonrefundable credit against the tax or withholding the City of Canal Fulton claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

(C) If the City of Canal Fulton's tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the City of Canal Fulton's tax rate. However, if the City of Canal Fulton's tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the City of Canal Fulton, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward.

SECTION 182.11 AMENDED RETURNS.

(A)(1) If a taxpayer's tax liability shown on the annual tax return for the City of Canal Fulton changes as a result of an adjustment to the taxpayer's federal or state income tax return, the taxpayer shall file an amended return with the City of Canal Fulton. The amended return shall be filed on a form required by the Tax Administrator.

(2) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due, together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, no payment need be made. The amended return shall reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return *only*:

(i) to determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

(ii) if the applicable statute of limitations for civil actions or prosecutions under Section 12 has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; i.e., the payment shall be the lesser of the two amounts.

(C)(1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (D) of this section for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is less than ten dollars, no refund need be paid by the City of Canal Fulton. A request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 182.09.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened. All facts, figures, computations, and attachments may be reopened to determine the refund amount due by inclusion of all facts, figures, computations, and attachments.

(D) Within 60 days after the final determination of any federal or state tax liability affecting the taxpayer's City of Canal Fulton's tax liability, that taxpayer shall make and file an amended City of Canal Fulton return showing income subject to the City of Canal Fulton income tax based upon such final determination of federal or state tax liability. The taxpayer shall pay any additional City of Canal Fulton income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

SECTION 182.12 LIMITATIONS.

(A)(1)(a) Civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

(i) Three years after the tax was due or the return was filed, whichever is later;
or

(ii) One year after the conclusion of the qualifying deferral period, if any.

(b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

(2) As used in this section, "qualifying deferral period" means a period of time beginning and ending as follows:

(a) Beginning on the date a person who is aggrieved by an assessment files with the Board of Review the request described in Section 182.21. That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or

court that the Board of Review did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.

(b) Ending the later of the sixtieth day after the date on which the final determination of the Board of Review becomes final or, if any party appeals from the determination of the Board of Review, the sixtieth day after the date on which the final determination of the Board of Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax shall be commenced within three years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 182.09.

(D)(1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the City of Canal Fulton does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Board of Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, a refund will be paid in the amount of the overpayment as provided by Section 182.09, with interest on that amount as provided by division (E) of Section 182.09.

(E) No civil action to recover the City of Canal Fulton income tax or related penalties or interest shall be brought during either of the following time periods:

(1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

SECTION 182.13 AUDITS.

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing

reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest.

SECTION 182.14 SERVICE OF ASSESSMENT.

(A) As used in this section:

(1) "Last known address" means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC.

(2) "Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the ORC is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under Section 5703.056 of the ORC. With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

(C)(1)(a) If certified mail is returned because of an undeliverable address, the Tax Administrator shall utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(b) Once the Tax Administrator or other City of Canal Fulton official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the Board of Review within 60 days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(2) If mailing of an assessment by the Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D)(1) A person disputing the presumption of delivery and service under division (C) of this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent by certified mail was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the assessment was mailed, owned or controlled at least 20 percent, as determined by voting rights, of the addressee's business.

(2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within 60 days after the initial contact by the Tax

Administrator or other City of Canal Fulton official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the Board of Review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

(G) Additional regulations as detailed in the Rules and Regulations shall apply.

SECTION 182.15 ADMINISTRATION OF CLAIMS.

(A) As used in this section, "claim" means a claim for an amount payable to the City of Canal Fulton that arises pursuant to the City of Canal Fulton's income tax imposed in accordance with this chapter.

(B) Nothing in this chapter prohibits the Tax Administrator from doing either of the following if such action is in the best interests of the City of Canal Fulton:

(1) Compromise a claim;

(2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not eliminate or otherwise affect the liability of any other person.

(E) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.

SECTION 182.16 TAX INFORMATION CONFIDENTIAL.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this chapter is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the City of Canal Fulton as authorized by this chapter. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this

chapter and other related tax information to the internal revenue service, the tax commissioner, and tax administrators of other municipal corporations.

(B) This section does not prohibit the City of Canal Fulton from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

SECTION 182.17 FRAUD.

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by the City of Canal Fulton ordinance or state law to be filed with the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the City of Canal Fulton or the Tax Administrator.

SECTION 182.18 INTEREST AND PENALTIES.

(A) As used in this section:

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the City of Canal Fulton provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the City of Canal Fulton.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the City of Canal Fulton pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with the Tax Administrator or the City of Canal Fulton by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the City of Canal Fulton on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted before January 1, 2016, of the City of Canal Fulton to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fail, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City of Canal Fulton any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the City of Canal Fulton may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the City of Canal Fulton may impose a penalty not exceeding fifty percent (50%) of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, the City of Canal Fulton may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

(D) Nothing in this section requires the City of Canal Fulton to refund or credit any penalty, amount of interest, charges, or additional fees that the City of Canal Fulton has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the Tax Administrator to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate. Such abatement or partial abatement shall be properly documented and maintained on the record of the taxpayer who received benefit of such abatement or partial abatement.

(F) By the 31st day of October of each year the City of Canal Fulton shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The City of Canal Fulton may impose on the taxpayer, employer, any agent of the employer, or any other payer the City of Canal Fulton's post-judgment collection costs and fees, including attorney's fees.

(H) Upon partial payment by a taxpayer on a delinquent taxes due, these payments will be applied beginning with the oldest tax year account balance, and shall be applied as follows: First apply payment to any collection costs and fees, including attorney fees, then apply remaining payments to penalties and interest beginning with the oldest delinquent tax year, and finally to the delinquent tax balance beginning with the oldest delinquent tax year.

SECTION 182.19 AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.

Authority.

(A) Nothing in this chapter shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the ORC:

(1)(a) Exercise all powers whatsoever of an query nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records, documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to Administrator oaths.

(b) The powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under the City of Canal Fulton's income tax ordinance;

(2) Appoint agents and prescribe their powers and duties;

(3) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(4) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment,

make a written statement of the Tax Administrator's findings, and approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this chapter;

(5) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(6) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 182.03;

(7)(a) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, or orders the Tax Administrator has made.

(b) If an appeal has been filed with the Board of Review or other appropriate tribunal, the Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(8) Destroy any or all returns or other tax documents in the manner authorized by law;

(9) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 182.04.

Verification of accuracy of returns and determination of liability.

(B)(1)(a) The Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this chapter, including preparation of an estimated return in lieu of an unfiled return. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(b) In any case where a taxpayer has failed to file a return which does not show the proper amount of tax due, the Tax Administrator may determine the amount of tax appearing to be due to the City of Canal Fulton from the taxpayer and shall send to such taxpayer a written statement (i.e., assessment) showing the amount of tax so determined together with interest and penalties thereon, if any. The assessment shall include the process for appealing the assessment. If the taxpayer fails to appeal the assessment within 60 days, the assessment shall become final and the tax, penalties, and interest assessed shall become due and payable and collectible as are other unpaid taxes.

(c) No assessment shall be issued if the incorrect amount shown on the return filed by the taxpayer is due to mathematical errors, in which case the Tax Administrator shall simply notify the taxpayer of the corrections.

(2) The records and other documents of any taxpayer, employer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this chapter shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the City of Canal Fulton or for the withholding of such tax.

(3) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(4) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

Identification information.

(C)(1) Nothing in this chapter prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(2)(a) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within 30 days of making the request, nothing in this chapter prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 182.18, in addition to any applicable penalty described in Section 182.99.

(b) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (C) of Section 182.19 within 30 days after filing the next tax document requiring such identifying information, nothing in this chapter prohibits the Tax Administrator from imposing a penalty pursuant to Section 182.18.

(c) The penalties provided for under divisions (C)(2)(a) and (b) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the

identifying information is sought and are in addition to any applicable criminal penalties described in Section 182.99 for a violation of Section 182.17 and any other penalties that may be imposed by the Tax Administrator by law.

SECTION 182.20 REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.

(A) An "opinion of the Tax Administrator" means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations.

(C) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) The Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(E) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(F) An opinion of the Tax Administrator issued under this section is not subject to appeal.

SECTION 182.21 BOARD OF REVIEW.

(A)(1) The Board of Review shall consist of three members. Two members shall be appointed by the legislative authority of the City of Canal Fulton, but such appointees may not be employees, elected officials, or contractors with the City of Canal Fulton at any time during their term or in the five years (which applies only to these two appointments) immediately preceding the date of appointment. One member shall be appointed by the Mayor of the City of Canal Fulton. This member may be an employee of the City of Canal Fulton, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(2) The term for members of the Board of Review shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative authority. The board member appointed by the Mayor of the City of Canal Fulton shall serve at the discretion of the administrative official.

(3) Members of the Board of Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense

upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(4) A member of the Board of Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within 60 days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Review.

(6) If a member is temporarily unable to serve on the Board of Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(B) Whenever the Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Review by filing a request with the Board of Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within 60 days after the taxpayer receives the assessment.

(D) The Board of Review shall schedule a hearing to be held within 60 days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board of Review and may be represented by an attorney at law, certified public accountant, or other representative. The Board of Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within 120 days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Review shall issue a final determination on the appeal within 90 days after the Board of Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within 15 days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Review's final determination as provided in Section 5717.011 of the ORC.

(F) The Board of Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Section 149.43 of the ORC. Hearings requested

by a taxpayer before a Board of Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the ORC.

SECTION 182.22 AUTHORITY TO CREATE RULES AND REGULATIONS.

Nothing in this chapter prohibits the legislative authority of the City of Canal Fulton, or the Tax Administrator pursuant to authority granted to the Tax Administrator by resolution or ordinance, to adopt rules to administer an income tax imposed by the City of Canal Fulton in accordance with this chapter. Such rules shall not conflict with or be inconsistent with any provision of this chapter. Taxpayers are hereby required to comply not only with the requirements of this chapter, but also to comply with the Rules and Regulations.

All rules adopted under this section shall be published and posted on the internet.

SECTION 182.23 RENTAL AND LEASED PROPERTY.

(A) All property owners of real property located in the City of Canal Fulton, who rent or otherwise lease the same, or any part thereof, to any person for residential dwelling purposes, including apartments, rooms and other rental accommodations, and including but not limited to tenants of commercial, business and/or industrial premises, during any calendar year, or part thereof, commencing with the effective date of this section, shall file with the Tax Administrator on or before the January 31 first following such calendar year a written report disclosing the name, address and also telephone number, if available, of each tenant known to have occupied on December 31 during such calendar year such apartment, room or other residential dwelling rental property, and also including but not limited to tenants of commercial, business and/or industrial premises.

(B) Beginning January 1, 2016, all property owners who rent or otherwise lease the same, are to report within thirty (30) days after a new tenant occupies residential property and commercial, business and/or industrial premises, a report showing the names and addresses of each tenant who occupies residential and commercial, business and/or industrial premises within the corporation limits of the City of Canal Fulton, Ohio.

(C) Beginning January 1, 2016, all property owners who rent or otherwise lease the same, are to report within thirty (30) days after a new tenant vacates residential property and commercial, business and/or industrial premises, a report showing the names and addresses of each tenant who vacates residential and commercial, business and/or industrial premises within the corporation limits of the City of Canal Fulton, Ohio.

(D) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the City of Canal Fulton. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the City of Canal Fulton. The Tax Administrator, or his duly authorized agent, may compel the production of papers and

records and the attendance of all personal before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the City of Canal Fulton.

(E) Any property owner or person that violates one or more of the following shall be subject to Section 182.99 of this chapter:

(1) Fails, refuses or neglects to timely file a written report required by subsection (a) hereof; or

(2) Makes an incomplete or intentionally false written report required by subsection (a) hereof; or

(3) Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section; or

(4) Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

SECTION 182.24 SAVINGS CLAUSE.

This chapter shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for. Any sentence, clause, section or part of this chapter or any tax against or exception granted any individual or any of the several groups of persons, or forms of income specified herein if found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.

SECTION 25 COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.

(A) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Section 182.12 and Section 182.99 hereof.

(B) Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and Section 182.04 of this ordinance as though the same were continuing.

SECTION 182.26 RESERVED FOR FUTURE USE.

SECTION 182.99 VIOLATIONS; PENALTIES.

(A) Whoever violates Section 182.17, division (A) of Section 182.16, or Section 182.04 by failing to remit the City of Canal Fulton income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than \$1,000 or imprisonment for a term of up to six months, or both. If the individual that commits the violation is an employee, or official, of the City of Canal Fulton, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of division (A) of Section 182.16 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than \$5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the City of Canal Fulton, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 182.16 constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

(1) Fail, neglect or refuse to make any return or declaration required by this ordinance;

(2) File any incomplete or false return;

(3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;

(4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;

(5) Fail to appear before the Tax Administrator and to produce his books, records, papers or federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;

(6) Refuse to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer;

(7) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby;

(8) Give to an employer false information as to his true name, correct social security number, and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;

(9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.

(E) Any person who violates any of the provisions in Section 182.99 (D) shall be subject to the penalties provided for in Section 182.99 (A) of this chapter.

RECORD OF RESOLUTIONS

CEART GRAPHICS 800-335-8094 FORM NO. 30043

Resolution No.

7-19

Passed

, 20

A RESOLUTION GRANTING APPROVAL OF THE ISSUANCE BY THE COUNTY OF MARION, OHIO OF ITS REVENUE BONDS, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO FINANCE AND REFINANCE FACILITIES OWNED AND OPERATED BY UNITED CHURCH HOMES, INC. LOCATED WITHIN THE CITY OF CANAL FULTON, OHIO.

WHEREAS, the County of Marion, Ohio (the "Issuer"), as a public hospital agency, as defined in Chapter 140 of the Ohio Revised Code (the "Act") is empowered to acquire, construct, improve and equip hospital facilities, as defined in the Act and issue its revenue bonds to pay costs of hospital facilities; and

WHEREAS, the Issuer intends to issue its revenue bonds in one or more series (the "Bonds") for the purposes of (a) refinancing certain revenue bonds and other indebtedness issued for the benefit of, or incurred by, United Church Homes, Inc., an Ohio nonprofit corporation (the "Corporation") (collectively, the "Prior Debt"), the proceeds of which Prior Debt were used to finance or refinance the costs of acquiring, constructing, remodeling, renovating, enlarging, equipping and furnishing hospital facilities as defined in the Act, (b) financing or refinancing the acquisition, construction, installation, equipping, furnishing and improvement of certain health care facilities constituting "hospital facilities" (as defined in the Act) for various retirement communities owned and operated by the Corporation, (c) funding a debt service reserve fund for the Bonds, (d) paying interest on the Bonds and (e) paying certain costs of issuing the Bonds; and

WHEREAS, a portion of the proceeds of the Prior Debt was used to finance or refinance, and a portion of the proceeds of the Bonds may be used to finance, the Chapel Hill Community facility (the "Canal Fulton Facility") operated by the Corporation, which Canal Fulton Facility is located in the City of Canal Fulton, Ohio;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL (the "Council") OF THE CITY OF CANAL FULTON, OHIO:

SECTION 1. This Council hereby approves the issuance of the Bonds by the County of Marion, Ohio.

SECTION 2. That the appropriate officers of the City of Canal Fulton, Ohio, be and they hereby are authorized to execute and deliver on behalf of the City of Canal Fulton, Ohio such other certificates, documents and instruments that may be necessary in connection with the issuance of the Bonds.

RECORD OF RESOLUTIONS

BEVI GRAPHICS 850-325-8084 FORM NO. 30045

Resolution No. _____ Passed _____, 20____

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That all resolutions or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

SECTION 5. That this Resolution shall be effective from and after its adoption.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk-of-Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution 7-19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

BEAR OF WHITES ID# 373-R094 FORM NO. 50048

Resolution No.

8-19

Passed

, 20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE CLEAN OHIO FUND-GREEN SPACE CONSERVATION PROGRAM AND REPEALING ANY RESOLUTION IN CONFLICT THEREWITH.

WHEREAS, The City of Canal Fulton, Ohio desires to apply for a grant from the Ohio Public Works Commission (OPWC) for the Clean Ohio Fund-Green Space Conservation Program, and

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Canal Fulton is planning to make capital improvements for Old Muskingum Trailhead Parking Project.

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs, and

WHEREAS, the estimated cost of said project is \$41,850.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to apply for a grant from the Ohio Public Works Commission for the Old Muskingum Trailhead Parking Project.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk-of-Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-19, duly adopted

RECORD OF RESOLUTIONS

BEART GRAPHICS 800-323-1034 FORM NO. 30043

Resolution No. _____ Passed _____, 20____

by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

BE/ER GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No.

25-19

Passed

, 20

An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations, transfers and advances for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

WHEREAS, the City has received a \$750,000 reimbursement grant from ODNR to develop the Canal Fulton Community Park, and

WHEREAS, the City needs to fund the up-front development costs and then apply for subsequent reimbursement by ODNR, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: In order to cover the development costs for the Canal Fulton Community Park prior to reimbursement, Council authorizes the Finance Director to advance monies as needed up to an additional \$425,000.00 from the General Fund to the Capital Projects Reserve Fund:

Expense Account	Account Description	Appropriation Changes
101.190.5900	Advances	\$425,000.00
390.120.5730	Capital Improvement	\$425,000.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 90043

Ordinance No. 26-19 Passed _____, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$12,000.00 to replace concrete in the downtown sidewalks.

Fund/Department	Previously Approved	Change	New Appropriation
Downtown Improvement Fund - 381			
Downtown Improvement Fund	\$18,700.00	\$12,000.00	\$30,700.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-328-8091 FORM NO. 30043

Ordinance No.

27-19

Passed

, 20

An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$28,000.00 to pay for cleaning and repairs to the #8 well pump.

Fund/Department	Previously Approved	Change	New Appropriation
Water Capital Fund - 341			
Water Capital Fund - Operating	\$415,150.00	\$28,000.00	\$443,150.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-3083 FORM NO. 30043

Ordinance No. 28-19

Passed _____

, 20____

An Ordinance Amending Ordinance 45-18, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$8,000.00 to pay for the City's share of the Fire Department FEMA regional radio grant.

Fund/Department	Previously Approved	Change	New Appropriation
General Capital Fund - 391			
General Capital Fund - Fire Department Operating	\$322,700.00	\$8,000.00	\$330,700.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

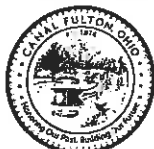
ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2019.

Alyssa Bettis, Clerk of Council

BILL TO:



PURCHASE ORDER

City of Canal Fulton

155 East Market Street, Suite #A
Canal Fulton, Ohio 44614-1305
(330) 854-2225 • FAX (330) 854-6913

P.O. NUMBER

RG012286

P.O. DATE

08/26/19

DEPARTMENT

WATER

CREATED BY

VENDOR NO.

00092

DELIVER
TO:

CANAL FULTON ADMINISTRATION
155 E. MARKET ST.
SUITE #A
CANAL FULTON, OH 44614

VENDOR:

OHIO DRILLING CO INC
2405 BOSTIC BOULEVARD SW
MASSILLON, OH 44647

ACCOUNT NUMBER	AMOUNT
341.310.5730	\$27,350.00

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		#8 WELL PUMP CLEANING AND REPAIR THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		\$27,350.00
TOTAL:				\$27,350.00

CIRCLE IF APPLICABLE: Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

I hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection to the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR

**BILL TO:****City of Canal Fulton**

155 East Market Street, Suite #A
Canal Fulton, Ohio 44614-1305
(330) 854-2225 • FAX (330) 854-6913

PURCHASE ORDER

P.O. NUMBER

RG012287

P.O. DATE

08/26/19

DEPARTMENT

SEWER

CREATED BY

VENDOR NO.

03107

DELIVER
TO:

CANAL FULTON ADMINISTRATION
155 E. MARKET ST.
SUITE #A
CANAL FULTON, OH 44614

VENDOR:

ASI ENVIRONMENTAL
PO BOX 624
CANAL FULTON, OH 44614

ACCOUNT NUMBER	AMOUNT
351.330.5730	\$29,344.00

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 33-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		3 WAY VALVE AND PUMP REPLACEMENT IN LIFT STATION D THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____.		\$29,344.00
TOTAL:				\$29,344.00

CIRCLE IF APPLICABLE: Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

I am hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection from the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR

BILL TO:

DELIVER
TO:

PURCHASE ORDER

City of Canal Fulton
 155 East Market Street, Suite #A
 Canal Fulton, Ohio 44614-1305
 (330) 854-2225 • FAX (330) 854-6913

P.O. NUMBER

RG012288

P.O. DATE

08/26/19

DEPARTMENT

FIRE/EMS

CREATED BY

VENDOR NO.

03314

VENDOR:

CANAL FULTON ADMINISTRATION
 155 E. MARKET ST.
 SUITE #A
 CANAL FULTON, OH 44614

PERRY TWP. FIRE DEPARTMENT
 440 CANFORD AVENUE NW
 MASSILLON, OH 44646

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
 Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

ACCOUNT NUMBER	AMOUNT
391.210.5730	\$7,260.29

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		AFG GRANT MATCH FOR MARCS 800 MHZ RADIO TOTAL COST OF EQUIPMENT \$103718.00 LOCAL MATCH \$7,260.29		\$7,260.29
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		
		TOTAL:		\$7,260.29

CIRCLE IF APPLICABLE: Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

It is hereby certified that the amount required to meet the contract, agreement, obligation,
 payment or expenditure stated in this purchase order has been lawfully appropriated,
 authorized or directed for such purpose and is in the Treasury or in the process of collection
 to the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date



BILL TO:

City of Canal Fulton

155 East Market Street, Suite #A
Canal Fulton, Ohio 44614-1305
(330) 854-2225 • FAX (330) 854-6913

DELIVER
TO:

CANAL FULTON ADMINISTRATION
155 E. MARKET ST.
SUITE #A
CANAL FULTON, OH 44614

VENDOR:

J A CHAPANAR EXCAVATING INC
5374 ARLINGTON RD
CLINTON, OH 44216

PURCHASE ORDER

P.O. NUMBER

RG012293

P.O. DATE

08/29/19

DEPARTMENT

MAYOR . ADMIN

CREATED BY

VENDOR NO.

02222

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

ACCOUNT NUMBER	AMOUNT
390.120.5730	\$373,513.73

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		COMMUNITY PARK PROJECT		\$373,513.73
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____.		
			TOTAL:	\$373,513.73

CIRCLE IF APPLICABLE: Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

I am hereby certified that the amount required to meet the contract, agreement, obligation,
payment or expenditure stated in this purchase order has been lawfully appropriated,
authorized or directed for such purpose and is in the Treasury or in the process of collection
on the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR

